IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 259 OF 2006

Sandeep Bhiku Ramane... .... Petitioner.

Versus

The State of Maharashtra & Ors... ... Respondents.

Mr. N. V. Bandiwadekar for the Petitioner.

Mr. P.P. Kakade, AGP for Respondent Nos.1 & 2.

CORAM : V.G. PALSHIKAR, and V.R.KINGAONKAR, JJ.

DATED : 21ST MARCH, 2006.

P.C.:

Heard. Rule. By consent, made returnable and heard forthwith.

2. The Petitioner has produced tabular information regarding the reservation of posts. According to the Petitioner, the calculation of reservation as 52% by the Education Officer i.e. Respondent No.2, is excessive and if posts of five persons are sanctioned, it ought to have been 34%. It is contended, therefore, that by calculation of the reservation, the Petitioner can be accommodated being an O.B.C.

candidate.

3. The point agitated before us is already covered by the decision of the Division Bench of this Court in Writ Petition No.4747 of 2005 (Smt. Hira Shivaji Khalche v/s The State of Maharashtra & Ors.) dated 15th September, 2005. Learned Assistant Government Pleader Shri Kakade states that the exercise of this calculation ay be undertaking and if it is found to be factually incorrect, then the case of the Petitioner will be considered. In view of this submission and the earlier decision of this Court, it is quite proper to allow this petition and direct Respondent No.2 to recalculate the reserved posts.

4. In the result, the petition is partly allowed with the direction that the management is directed to submit a fresh proposal for approval to the Education Officer. The Education officer to work out the reserved quota at 34%. Accordingly, if there be vacant posts in open category to grant approval to the appointment of the Petitioner, if there be no backlog in reserved category. This exercise may be completed within a reasonable time frame preferably within a period of three months from the date of the receipt of

this order.

5. Rule partly made absolute in the above terms. There shall be no order as to costs.

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